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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

JUN 24 1987

Mr. Richard Torrito
Continental Can Company, Inc.
800 Connecticut Ave
P.O. Box 5410
Norwalk, CT 06856

Dear Mr. Torrito:

This letter is in response to your February 5, 1987 inquiry regarding the regulatory status of certain wastes generated at Continental Can Company's LaCrosse and Milwaukee, Wisconsin plants. Specifically, you requested an interpretation as to whether the sludge generated from wastewater treatment processes associated with the can washers at these plants is a hazardous waste within the definition of EPA Hazardous Waste No. F019--wastewater treatment sludges from the chemical conversion coating of aluminum.

We have carefully reviewed the attachment to your February 5 letter (i.e., the January 9, 1987 letter from Lester Steinbrecher of Amchem Products to you), as well as Mr. Steinbrecher's February 27, 1987 letter to David Topping of the Waste Characterization Branch. In those letters, it was asserted that the use of Amchem's surface conditioners for the treatment of two-piece aluminum cans does not constitute a chemical conversion coating process. We disagree with that interpretation for the reasons explained below.

In the background listing document for F019, conversion coatings are described as "processes (that) apply a coating to the previously deposited or basis metal for increased corrosion protection, lubricity, preparation of the surface for additional coatings or formulation of a special surface appearance. This manufacturing operation includes chromating, phosphating, metal coloring, and immersion plating." The Agency believes that the use of a zirconium phosphating process to inhibit corrosion of

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the aluminum surface is within the scope of this definition.

Several of the statements in the Amchem letters indicate that the process is not chemical conversion coating because the process does not impart a crystalline coating. While the listing background document does refer to crystalline phosphate coatings, it was not the Agency's intention to restrict the listing to apply only to crystalline coatings. Further, the broader definition (to include both crystalline and amorphous coatings) is supported by other (non-EPA) definitions of conversion coatings.

For example, Chemical and Process Technology Encyclopedia (McGraw-Hill, 1974) states that "conversion coatings are formed chemically by causing the surface of the metal to be "converted" into a tightly adherent amorphous or crystalline coating part or all of which consists of an oxidized form of the substrate metal." Also, in Standard B374-80, ASTM defines conversion coatings as "a process produced by chemical or electrical treatment of the metallic surface that gives a superficial layer containing a compound of the metal." Thus, ASTM does not restrict the definition to crystalline coatings.

The fact that the can washing process is within the commonly understood definition of chemical conversion coating is also supported by the identification of that process as chemical conversion coating in Continental Can Company's delisting petition for the Olympia, Washington plant. In that petition, the fourth stage of the can washing process is described as follows: "The function of Stage 4 is to apply a chemical conversion coating to the can which inhibits corrosion, brightens the can surface, and provides an improved base for the application of organic coating lacquers." Also, the zirconium phosphating process is described as chemical conversion coating in a rulemaking petition filed jointly by Reynolds Metals Company and Miller Brewing Company. (that petition, recently withdrawn, was to modify the F019 listing to exclude sludges from "...the phosphate conversion coating of two-piece aluminum beverage cans.")

Finally, in a telephone conversation with Matthew Straus of the Waste Characterization Branch, you cited the Office of Water's November 17, 1983 regulation related to the can-making industry (see 48 FR 52,399). In that regulation, it was stated that the

sludges from the pretreatment standards was believed to be

nonhazardous. That statement refers to sludges that have been treated. That is, it was the Agency's option that the wastewater treatment sludge could be treated to render them nonhazardous (i.e., the treated sludge could likely be delisted).

For these reasons, we have concluded that the wastewater treatment sludges associated with the can washers at the La Crosse and Milwaukee plants meet the definition of EPA Hazardous Waste No. F019. Should you have any questions regarding this interpretation, please contact Mr. Matthew Straus, Chief, Waste Characterization Branch at (202) 475-8551.

Sincerely,

Original Document signed

Marcia Williams
Director
Office of Solid Waste